

House File 770 - Enrolled

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HOUSE FILE 770

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1 4 AN ACT
1 5 PROVIDING FOR THE IOWA DEPARTMENT OF PUBLIC HEALTH TO ADMIN=
1 6 ISTER THE HOTEL SANITATION CODE, REGULATION OF HOME FOOD
1 7 ESTABLISHMENTS, IOWA FOOD CODE, REGULATION OF EGG HANDLERS,
1 8 AND INSPECTION OF COSMETOLOGY AND BARBERING LICENSEES IN
1 9 PLACE OF THE DEPARTMENT OF INSPECTIONS AND APPEALS.
1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 11
1 12 Section 1. Section 10A.104, subsection 9, Code 2005, is
1 13 amended to read as follows:
1 14 9. Administer and enforce this chapter, and chapters 99B,
1 15 135B, 135C, 135H, and 135J, 137C, 137D, and 137F.
1 16 Sec. 2. Section 10A.104, subsection 15, Code 2005, is
1 17 amended by striking the subsection.
1 18 Sec. 3. Section 123.3, subsection 15, Code 2005, is
1 19 amended to read as follows:
1 20 15. "Hotel" or "motel" means premises licensed by the Iowa
1 21 department of ~~inspections and appeals~~ public health under
1 22 ~~chapter 137C~~ and regularly or seasonally kept open in a bona
1 23 fide manner for the lodging of transient guests, and with
1 24 twenty or more sleeping rooms.
1 25 Sec. 4. Section 135.11, subsection 17, Code 2005, is
1 26 amended to read as follows:
1 27 17. Administer chapters 125, 136A, 136C, 137C, 137D, 137F,
1 28 139A, 142, 142A, 144, and 147A, and 196.
1 29 Sec. 5. Section 137C.2, subsections 2 and 3, Code 2005,
1 30 are amended to read as follows:
1 31 2. "Director" means the director of ~~the department of~~
1 32 ~~inspections and appeals~~ public health or the director's
1 33 designee.
1 34 3. "Department" means the Iowa department of ~~inspections~~
1 35 ~~and appeals~~ public health.
2 1 Sec. 6. Section 137D.1, subsection 2, Code 2005, is
2 2 amended to read as follows:
2 3 2. "Department" means the Iowa department of ~~inspections~~
2 4 ~~and appeals~~ public health.
2 5 Sec. 7. Section 137D.2, subsection 1, Code 2005, is
2 6 amended to read as follows:
2 7 1. A person shall not open or operate a home food
2 8 establishment until a license has been obtained from the Iowa
2 9 department of ~~inspections and appeals~~ public health. The
2 10 department shall collect a fee of twenty-five dollars for a
2 11 license. After collection, the fees shall be deposited in the
2 12 general fund of the state. A license shall expire one year
2 13 from date of issue. A license is renewable.
2 14 Sec. 8. Section 137F.1, subsections 3 and 4, Code 2005,
2 15 are amended to read as follows:
2 16 3. "Department" means the Iowa department of ~~inspections~~
2 17 ~~and appeals~~ public health.
2 18 4. "Director" means the director of ~~the department of~~
2 19 ~~inspections and appeals~~ public health or the director's
2 20 designee.
2 21 Sec. 9. Section 147.88, Code 2005, is amended to read as
2 22 follows:
2 23 147.88 INSPECTIONS.
2 24 The department of inspections and appeals may perform
2 25 inspections as required by this subtitle, except for the board
2 26 of medical examiners, the board of pharmacy examiners, the
2 27 board of nursing, and the board of dental examiners, the board
2 28 of barber examiners, and the board of cosmetology arts and
2 29 sciences examiners. The department of inspections and appeals
2 30 shall employ personnel related to the inspection functions.
2 31 Sec. 10. Section 157.7, unnumbered paragraph 1, Code 2005,
2 32 is amended to read as follows:
2 33 The department of ~~inspections and appeals~~ shall employ
2 34 personnel pursuant to chapter 8A, subchapter IV, to perform
2 35 duties related to inspection functions under this chapter.
3 1 The department of ~~inspections and appeals~~ shall, when
3 2 possible, integrate inspection efforts under this chapter with
3 3 inspections conducted under chapter 158.
3 4 Sec. 11. Section 158.6, unnumbered paragraph 1, Code 2005,
3 5 is amended to read as follows:

3 6 The department of inspections and appeals shall employ
3 7 personnel pursuant to chapter 8A, subchapter IV, to perform
3 8 duties related to inspection functions under this chapter.
3 9 The department ~~of inspections and appeals~~ shall, when
3 10 possible, integrate inspection efforts under this chapter with
3 11 inspections conducted under chapter 157.

3 12 Sec. 12. Section 196.1, subsection 3, Code 2005, is
3 13 amended to read as follows:

3 14 3. "Department" means the Iowa department of ~~inspections~~
3 15 ~~and appeals, as established in section 10A.102~~ public health.

3 16 Sec. 13. Section 331.756, subsection 32, Code 2005, is
3 17 amended to read as follows:

3 18 32. Assist the Iowa department of ~~inspections and appeals~~
3 19 public health in the enforcement of the Iowa food code and the
3 20 Iowa hotel sanitation code as provided in sections 137F.19 and
3 21 137C.30.

3 22 Sec. 14. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS
3 23 TRANSFER.

3 24 1. The following codes and standards adopted by the
3 25 director of the department of inspections and appeals shall
3 26 remain in effect until modified or rescinded by the director
3 27 of public health:

3 28 a. Hotel sanitation code adopted under chapter 137C, Code
3 29 2005.

3 30 b. Home food establishment standards adopted under chapter
3 31 137D, Code 2005.

3 32 c. Food code adopted under chapter 137F, Code 2005.

3 33 d. Egg handler standards adopted under chapter 196, Code
3 34 2005.

3 35 2. The administrative rules adopted by the department of
4 1 inspections and appeals under chapters 137C, 137D, 137F, 157,
4 2 158, and 196, Code 2005, shall remain in effect until modified
4 3 or rescinded by the Iowa department of public health.

4 4 3. Effective July 1, 2005, an agreement entered into under
4 5 chapter 137C or 137F, Code 2005, between the director of the
4 6 department of inspections and appeals and a municipal
4 7 corporation for the municipal corporation to license, inspect,
4 8 and enforce chapter 137C or 137F within the municipal
4 9 corporation's jurisdiction shall be deemed to be an agreement
4 10 with the director of public health and shall remain in effect
4 11 until expiration of the agreement or the agreement is modified
4 12 or rescinded by the parties to the agreement.

4 13 4. Effective July 1, 2005, the Iowa department of public
4 14 health shall assume the departmental duties outlined in the
4 15 codes, standards, and administrative rules adopted under
4 16 chapters 137C, 137D, 137F, 157, 158, and 196 in place of the
4 17 department of inspections and appeals.

4 18 5. Appropriations made from the general fund of the state
4 19 for the fiscal year beginning July 1, 2005, and ending June
4 20 30, 2006, to the department of inspections and appeals for
4 21 administration and enforcement of chapters 137C, 137D, 137F,
4 22 157, 158, and 196 shall be transferred to the Iowa department
4 23 of public health.

4 24 Sec. 15. REVIEW OF FEES. The Iowa department of public
4 25 health may perform a review of the license and examination
4 26 fees charged by the department under chapters 137C, 137D,
4 27 137F, 157, 158, and 196.

4 28 Sec. 16. TRANSITION OF EMPLOYEES. Effective July 1, 2005,
4 29 all employees of the department of inspections and appeals
4 30 performing functions related to chapters 137C, 137D, 137F,
4 31 157, 158, and 196, as of June 30, 2005, shall become employees
4 32 of the Iowa department of public health without loss of
4 33 classification, pay, or benefits.

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5 1 _____
5 2 CHRISTOPHER C. RANTS
5 3 Speaker of the House

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5 5 _____
5 6 JOHN P. KIBBIE
5 7 President of the Senate

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5 9 I hereby certify that this bill originated in the House and
5 10 is known as House File 770, Eighty-first General Assembly.

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5 13 _____
5 14 MARGARET THOMSON
5 15 Chief Clerk of the House

5 16 Approved _____, 2005

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5 20 THOMAS J. VILSACK

5 21 Governor